REMARKS

Status of the Claims

- Claims 1-2, and 4-5 are pending in the Application after entry of this amendment.
- Claims 1-2, and 4-5 are rejected by Examiner.
- Claims 1 and 4 are amended.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2002/0039357 A1 to Lipasti et al. (hereinafter Lipasti) in view of U.S. Patent No. 6,922,405 B2 to Eikelenboom et al. (hereinafter Eikelenboom). Applicant respectfully traverses the rejection via amendment.

Claim 1 has been amended as to make clearer that communications on the new network do not interfere with the existing network as the new network uses a frequency different from the frequency used by the existing network as described at page 4, lines 15-16 of Applicants' Specification ("*it will advantageously use a frequency that is different from the initial network with the aim of avoiding any interference*").

The Applicant respectfully submits that for the reasons discussed below the subject claims are patentably distinguishable over the cited combination because the cited combination fails to disclose or suggest each and every one of the elements as recited in the amended claims. Reconsideration of the rejection is earnestly solicited based at least on the following remarks.

Claim 1 of the present invention recites, a method of creation of a new communication network by a wireless terminal, wherein the wireless terminal

initially being part of an existing centralized network that includes an access point able to control the association of wireless terminals to its network, it includes, for the associated terminal, the steps of disassociation of the wireless terminal, initiated by said wireless terminal, from the existing centralized network; and initiation of a procedure for creating a new network, coexisting with the existing network, including a declaration of the terminal as access point of the new network, where the operating parameters of the new network are such that communications on the new network do not interfere with the existing network, the new network using a frequency different from the frequency used by the existing network.

Lipasti is directed to a method for arranging addressing and routing in mobile ad hoc networks. The object of Lipasti is to provide address mapping and routing function for mobile networks to minimize broadcasts in mobile ad hoc networks. The network includes access points (AP) and mobile nodes (MN) forming a pico network to provide access to the LAN, where the device initiating the connection becomes the master device and all other devices of the pico network are then slaves of the master device and have to join the new pico network defined by the new master device. As acknowledged by the Examiner, Lipasti does not teach or suggest that the new network uses a frequency different from the frequency used by the existing network. Moreover, as disclosed at paragraph [0023], Lipasti teaches that the AP is not a part of the ad hoc network (i.e. the pico network) and thus may forward packets to and from an ad hoc network. As the AP is able to communicate with the new pico network without being a part of it, the frequency used by the AP and nodes of the new pico network may be the same and interferences may occur. On the contrary, as disclosed in Applicants' claim 1, the new network uses a frequency different from the one used by the existing network and thus no interference occurs between the new network and the existing network. Indeed, one aim of Applicant's invention as claimed in claim 1 is to free resources for wireless

terminals aiming for example at exchanging data by forming for example a direct link for streaming. As to free resources, the new network formed by the wireless terminals may not interfere with the existing network. The object of the invention disclosed in Lipasti is to provide a new kind of address mapping and routing function for mobile ad hoc networks, such as Bluetooth. As discussed above, the new pico networked formed by the nodes of the Buletooth network does not free resources as interferences may occur with some other pico networks (see for example paragraph [0025] "*it is possible to interconnect the Buletooth devices belonging to different pico networks*", that is to say that different pico networks may use the same frequency and thus that interferences may occur between the different pico networks).

Eikelenboom has been cited to cure the deficiencies of Lipasti with respect to the pending claims. However, Eikelenboom also fails to disclose or suggest the elements missing in Lipasti. Eikelenboom is directed to a method for wireless data communication between an access point, forming a cell that defines a carrier detect zone and a defer detect zone around the access point, and a network station using two signal level thresholds, i.e. a carrier sense threshold level and a defer behaviour threshold level. Eikelenboom thus discloses a method enabling a mobile network station to move from one cell to another cell having different signal level thresholds. On contrary to Applicant's invention as claimed in claim 1, a mobile network station disassociating from an AP does not create a new network using a frequency different from the frequency used by the network to which it was associated by declaring itself as AP of the new network, the frequency used by the new network being different from the existing network as to avoid interference between the two networks. Indeed, as disclosed at lines 39-42, col. 3 of Eikelenboom, the mobile network station disassociates from a first AP before associating to a second AP.

It is therefore, respectfully submitted that Eikelenboom fails to cure the deficiencies of Lipasti and that the cited combination of Lipasti and/or Eikelenboom, taken singly or together, fails to disclose or suggest at least that communications on the new network do not interfere with the existing network, the new network using a frequency different from the frequency used by the existing network. Thus, even if combined, the suggested combination fails to teach or suggest each and every limitation of the pending claims.

Claim 4 has been amended in a same way as claim 1 and thus contains the same distinguishing features. The reasoning applied to claim 1 applies therefore to claim 4. Thus, the combination of Lipasti and Eikelenboom fails to render amended independent Claims 1 and 4 prima facie obvious under 35 USC §103 because the combination fails to disclose all elements of the pending claims.

Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2002/0039357 A1 to Lipasti et al. (hereinafter Lipasti) in view of U.S. Patent No. 6,922,405 B2 to Eikelenboom et al. (hereinafter Eikelenboom) and in further view of U.S. Patent No. 7,082,535 B2 to Norman et al. (hereinafter Norman).

Applicants submit that Norman is directed to providing a proxy service in wireless network legacy systems to facilitate wireless authentication and in no way to the creation of a new network by a wireless terminal acting as AP after disassociation from an existing network, the new network and the existing network not interfering together. Therefore, the teaching of Norman does not in any way cure the deficiencies present in the teaching of Lipasti and Eikelenboom with regard to claim 1 as discussed above. Since claim 1 is patentable over Lipasti and Eikelenboom and Norman does not teach the features lacking in Lipasti and Eikelenboom, claim 2 is also patentable because it depends from and/or inherit all the limitations of claim 1. The same reasoning

applies to claim 5, which depends from claim 4. Withdrawal of the rejection of claims 2 and 5 under 35 U.S.C. 103(a) is respectfully requested.

Since independent claims 1 and 4 are patentably distinct over the cited art as stated above, then claims 2 and 5, which depend from amended claims 1 and 4 respectively, are likewise patentably distinct per MPEP §2143.03. Applicant respectfully requests reconsideration and withdrawal of the 35 USC §103(a) rejections on Claims 1-2 and 4-5 in light of the amendments and the arguments presented above.

Conclusion

Applicant respectfully submits that the amended pending claims patentably define over the cited art. Applicant respectfully requests reconsideration, withdrawal of all rejections of the pending claims, and reconsideration for a Notice of Allowance.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,

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